

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

KAVIN LEE PEEPLES, : Case No. 1:17-cv-191
: :
Plaintiff, : Judge Timothy S. Black
: Magistrate Judge Karen L. Litkovitz
vs. : :
: :
JOHN KASICH, : :
: :
Defendants. : :
: :

**DECISION AND ENTRY
ADOPTING THE REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE (Doc. 9)**

This case is before the Court pursuant to the Order of General Reference in the United States District Court for the Southern District of Ohio Western Division to United States Magistrate Judge Karen L. Litkovitz. Pursuant to such reference, the Magistrate Judge reviewed the pleadings filed with this Court and, on April 19, 2017, submitted a Report and Recommendation. (Doc. 9). Plaintiff filed objections on April 26, 2017. (Doc. 11).¹

¹ The Court has reviewed Plaintiff's objections and finds that they lack merit. The Report and Recommendation recommended that Plaintiff's complaint be dismissed because it failed to state any facts that would give rise to a claim. Plaintiff seeks injunctive relief and monetary damages against Ohio Governor John Kasich due to an alleged denial of medical care provided to Plaintiff as a prisoner at the Southern Ohio Correctional Facility (SOCF). Plaintiff's objections clearly and concisely spell out his grievance against Governor Kasich, but the objections do not overcome the truth that Governor Kasich cannot be held liable under a theory of *respondeat superior* for inadequate medical care received while incarcerated by the state. Plaintiff cannot articulate facts that would support an allegation that Governor Kasich, who is several levels removed from any individual responsible for Plaintiff's medical care, has either explicitly or implicitly authorized any unconstitutional conduct. Accordingly, dismissal of this action is appropriate.

As required by 28 U.S.C. § 636(b) and Fed. R. Civ. P. 72(b), the Court has reviewed the comprehensive findings of the Magistrate Judge and considered *de novo* all of the filings in this matter. Upon consideration of the foregoing, the Court does determine that such Report and Recommendation should be and is hereby adopted in its entirety.

Accordingly, this civil action is **DISMISSED WITH PREJUDICE** pursuant to 28 U.S.C. §§ 1915(e)(2)(B) and 1915A(b)(1). Furthermore, the Court certifies pursuant to 28 U.S.C. § 1915(a) that for the foregoing reasons an appeal of any Order adopting this Report and Recommendation would not be taken in good faith and therefore denies Plaintiff leave to appeal *in forma pauperis*. The Clerk shall enter judgment accordingly, whereupon this case shall be **TERMINATED** from the Court's docket. All additional pending motions (Docs. 10, 12) are **DENIED** as moot.

IT IS SO ORDERED.

Date: 5/2/17


Timothy S. Black
United States District Judge